

REMARKS

It is recognized that this communication is mailed more than six months past the mailing date of the October 13, 2004 communication from the Examiner, resulting in abandonment of the above-identified application. However, attached to this amendment is a petition to revive for unintentional abandonment under 37 C.F.R. § 1.137(b). The petition is signed by the assignee of the above-identified application and should result in revival of the application.

The rejection of Claims 28-30 and 33 under 35 U.S.C. § 112 is respectfully traversed. Claim 28 has been rewritten in independent form as new Claim 34, positively reciting a load cell. The claims originally depending therefrom now depend from Claim 34. It is believed that the claim as recited now is in proper format and satisfies the mandate of § 112. Claim 33 has been similarly rewritten as new independent Claim 35. Claims 34 and 35 overcome the objections to Claims 28 and 33.

The rejection of Claims 1-3, 10, 18-20, 22-24, and 31 under 35 U.S.C. § 102(b) as being anticipated by Strelioff is respectfully traversed. It is noted that the Examiner indicated that Claims 4-9, 11-17, 21, and 25-27 were objected to as being depended upon on a rejected base claim, but would be allowable if rewritten in independent form. To that end, applicant has incorporated the features of Claim 4 in Claim 1, the features of Claim 21 into Claim 18, and the features of Claims 23-25 into Claim 22. Because the claims objected to have now been rewritten in independent form, Claims 1-27 should be in allowable condition.

It is also submitted that new Claim 34, which contains all the limitations of amended Claim 22, should also be in allowable form.

Finally, the limitations of Claim 32 have been incorporated into independent Claim 31. While the Examiner did not indicate that Claim 32 is allowable, Claim 32 was not rejected under 35 U.S.C. § 102. Therefore, Claim 31 should now be allowable because it incorporates the

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

limitations of Claim 32. The assembly of Claim 31 wherein engagement means is a cranked bar is not disclosed or suggested by Strelloff. It is therefore believed that Claim 31, as amended, is allowable for these reasons as well.

Claim 33 has also been rewritten as independent Claim 35 thus obviating the rejection under 35 U.S.C. § 112. Claim 35 should therefore also be in allowable condition for the same reasons as Claim 31.

In view of the foregoing amendments and remarks, the Examiner is respectfully requested to reexamine the application, to reconsider and withdraw the rejections to the claims, and to promptly allow the case and pass it to issue.

If the Examiner has any further questions, he is invited to call applicant's attorney at the number listed below.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



Lee E. Johnson  
Registration No. 22,946  
Direct Dial No. 206.695.1701

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

June 13, 2005



LEJ:pwj/jmb

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100